

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In Re: Jane Kao
Debtor(s)

Case No: 15-31193-H3-13

TRUSTEE'S MOTION TO DISMISS OR CONVERT TO A CHAPTER 7

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING. If a response is filed, a hearing on this motion will be held at 9:30 am on Thursday, June 25, 2015 at the U.S. Courthouse, 515 Rusk, Courtroom # 401.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

COMES NOW, William E. Heitkamp, Chapter 13 Trustee filing this MOTION TO DISMISS, and would show the Court that the above-referenced case should be dismissed for the following:

1. The Chapter 13 Plan must be amended to provide for payment in full of the secured and priority claims within the term of the plan.
1. The plan does not meet the requirements of 11 U.S.C. Sec. 1325(b) (the disposable income test).
2. The plan does not meet the requirements of 11 U.S.C. Sec. 1325(a)(4) (the liquidation test).

Wherefore, the Trustee prays that the case be dismissed, or converted to Chapter 7, whichever shall be determined to be in the creditors' best interest.

RESPECTFULLY SUBMITTED,

/s/ William E. Heitkamp

WILLIAM E. HEITKAMP, TRUSTEE

Admissions Id. No. 3857

Kenneth P. Thomas, Staff Attorney

Admissions Id. No. 1347

Tiffany D. Reyes, Staff Attorney

Admissions Id. No. 1419995

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent to all parties listed on the matrix on file with the U.S. Bankruptcy Clerk's Office on or about the time this document was electronically filed with the Clerk on 6/8/2015. A copy of the Certificate of Mailing of this document is on file and may be viewed at the U.S. Bankruptcy Clerk's Office.

Electronically signed by

/s/ William E. Heitkamp

William E. Heitkamp, Chapter 13 Trustee